

JOINT DECLARATION AND POWER OF ATTORNEY

We, John B. Davis, Robert C. Bredt, Kent Carlson and Darren Reasy, declare that we are citizens of the United States of America and residents of Tonka Bay, Minnesota; Edina, Minnesota; Lake City, South Dakota; and Pierpont, South Dakota, respectively; that we verily believe we are the original, first, and joint inventors of the invention entitled Rotational Control Apparatus described and claimed in the attached specification; and that we have reviewed and understand the contents of the attached specification including the claims.

We further declare that this application is a continuation-in-part of and in part discloses and claims subject matter disclosed in earlier-filed application Serial No. 08/254,290 filed June 6, 1994, which in turn is a continuation-in-part of application Serial No. 08/201,783 filed February 25, 1994; that as to the subject matter of this application which is common to application Serial No. 08/201,783, we do not know and do not believe that this invention was ever known or used in the United States of America before the invention thereof, or patented or described in any publication in any country before the invention thereof, or more than one year prior to application Serial No. 08/201,783 or in public use or on sale in the United States of America more than one year prior to application Serial No. 08/201,783; that said common subject matter has not been patented or made the subject of an inventor's certificate issued before the date of application Serial No. 08/201,783 in any country foreign to the United States of America on an application or an inventor's certificate filed by us or our legal representatives or assigns more than twelve months prior to application Serial No. 08/201,783; that we acknowledge our duty to disclose information of which we are aware which is material to the examination of this application pursuant to Title 37, Code of Federal Regulations, Section 1.56(a)\*; and no application for patent or inventor's certificate on said common subject matter has been filed by us or our legal representatives or assigns in any country foreign to the United States of America.

We further declare that as to the subject matter of this application which is common to application Serial No. 08/254,290, we do not know and do not believe that this invention was ever known or used in the United States of America before the invention thereof, or patented or described in any publication in any country before the invention thereof, or more than one year prior to application Serial No. 08/254,290 or in public use or on sale in the United States of America more than one year prior to application Serial No. 08/254,290; that said common subject matter has not been patented or made the subject of an inventor's certificate issued before the date of application Serial No. 08/254,290 in any country foreign to the United States of America on an application or an inventor's certificate filed by us or our legal representatives or assigns more than twelve months prior to application Serial No. 08/254,290; that we acknowledge our duty to disclose information of which we are aware which is material to the examination of this application pursuant to Title 37, Code of Federal Regulations, Section 1.56(a)\*; and no application

for patent or inventor's certificate on said common subject matter has been filed by us or our legal representatives or assigns in any country foreign to the United States of America.

We further declare that as to the subject matter of this application which is not common to application Serial Nos. 08/201,783, and 08/254,290; that we do not know and do not believe the same was ever known or used in the United States of America before our invention thereof, or patented or described in any printed publication in any country before our invention thereof, or more than one year prior to this application, or in public use or on sale in the United States of America more than one year prior to this application; that this invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application or inventor's certificate filed by us or our legal representatives or assigns more than twelve months prior to this application; that we acknowledge our duty to disclose information of which we are aware which is material to the examination of this application pursuant to Title 37, Code of Federal Regulations, Section 1.56(a)\*; and that no application for patent or inventor's certificate on this invention has been filed by us or our legal representatives or assigns in any country foreign to the United States of America.

We hereby appoint as our attorneys and ask that all correspondence and telephone calls be made to the patent law firm of:

Alan D. Kamrath, Esq.  
Peterson, Wicks, Nemer & Kamrath, P.A.  
1407 Soo Line Building  
105 South Fifth Street  
Minneapolis, Minnesota 55402  
Telephone (612) 339-8501  
Facsimile (612) 337-5265,

this law firm including Alan D. Kamrath, PTO Reg. No. 28,227, and Bruce A. Nemer, PTO Reg. No. 24,128. This appointment is to prosecute this application, receive all communications connected therewith, transact all business in the Patent and Trademark Office connected therewith, and receive the patent.

We declare further that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: January \_\_\_\_\_, 1995

\_\_\_\_\_  
John B. Davis

Post Office Address:

55 Willow Wood  
Tonka Bay, Minnesota 55331

Dated: January \_\_\_\_\_, 1995

Robert C. Bredt

Post Office Address:

5704 Benton Avenue  
Edina, Minnesota 55436

Dated: January \_\_\_\_\_, 1995

Kent Carlson

Post Office Address:

P.O. Box 597  
Lake City, South Dakota 57247

Dated: January \_\_\_\_\_, 1995

Darren Reasy

Post Office Address:

P.O. Box 164  
Pierpont, South Dakota 57468

\*37 CFR Section 1.56(a) states:

**Duty to disclose information material to patentability.**

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office... However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

(1) prior art cited in search reports of a foreign patent office in a counterpart application, and

(2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

1PFP84.0-2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: Patent Application of John B. Davis et al.

Serial No. 08/373,953 filed January 17, 1995

For: Rotational Control Apparatus

PWN&K File 1084

JOINT DECLARATION AND POWER OF ATTORNEY

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Dear Sir:

We, John B. Davis, Robert C. Bredt, Kent Carlson and Darren Reasy, declare that we are citizens of the United States of America and residents of Tonka Bay, Minnesota; Edina, Minnesota; Lake City, South Dakota; and Pierpont, South Dakota, respectively; that we verily believe we are the original, first, and joint inventors of the invention described and claimed in the specification of the above-identified application; and that we have reviewed and understand the contents of the specification including the claims of the above-identified application.

We further declare that this application is a continuation-in-part of and in part discloses and claims subject matter disclosed in earlier-filed application Serial No. 08/254,290 filed June 6, 1994, which in turn is a continuation-in-part of application Serial No. 08/201,783 filed February 25, 1994; that as to the subject matter of this application which is common to application Serial No. 08/201,783, we do not know and do not believe that this invention was ever known or used in the United States of America before the invention thereof, or patented or described in any publication in any country before the invention thereof, or more than one year prior to application Serial No. 08/201,783 or in public use or on sale in the United States of America more than one year prior to application Serial No. 08/201,783; that said common subject matter has not been patented or made the subject of an inventor's certificate issued before the date of application Serial No. 08/201,783 in any country foreign to the United States of America on an application or an inventor's certificate filed by us or our legal representatives or assigns more than twelve months prior to application Serial No. 08/201,783; that we acknowledge our duty to disclose information of which we are aware which is material to the examination of this application pursuant to Title 37, Code of Federal Regulations, Section 1.56(a)\*; and no application for patent or inventor's certificate on said common subject matter has been filed by us or our legal representatives or assigns in any country foreign to the United States of America.

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application Serial No. 08/254,290; that said common subject matter has not been patented or made the subject of an inventor's certificate issued before the date of application Serial No. 08/254,290 in any country foreign to the United States of America on an application or an inventor's certificate filed by us or our legal representatives or assigns more than twelve months prior to application Serial No. 08/254,290; that we acknowledge our duty to disclose information of which we are aware which is material to the examination of this application pursuant to Title 37, Code of Federal Regulations, Section 1.56(a)\*; and no application for patent or inventor's certificate on said common subject matter has been filed by us or our legal representatives or assigns in any country foreign to the United States of America.

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